

## COMMISSION CONFERENCE

DECEMBER 17, 2002

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Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager, City Attorney, and City Clerk  
Sgt. Suess

**I-A – Board of Adjustment Interview**

Mayor Naugle welcomed Mr. Albert P. “Al” Massey III to the meeting who was going to be interviewed for the vacant seat on the Board of Adjustment for an interim term ending May 20, 2003.

Al Massey stated that he had been invited to this interview and was pleased to attend. He continued stating that he had served for a number of years on the Parks, Recreation, and Beaches Advisory Board, and also had served as Chairman. He further stated that he had also served on the Community Services Board and Board of Governors - Coral Ridge Association, including serving as Vice-President and President. He explained that he was familiar with neighborhood issues and felt he could make a good contribution. He further explained that his law practice was not related to the issues addressed on the Board of Adjustment, but that he was an insurance defense and workers compensation lawyer. He felt with this background he could approach this Board with a degree of objectivity and an understanding that all facts needed to be considered. He stated that he was a believer in the fact that the rules on the books needed to be enforced, but also that all circumstances needed to be reviewed so the rules would be applied reasonably and fairly to all citizens.

Commissioner Smith thanked Mr. Massey for all the service he had given to the City over the years. Mr. Massey replied that it was an honor to work with this Commission.

**Action:** Formal action to be taken at Regular Meeting.

**I-B – Downtown Development Authority (DDA) Interviews**

Mayor Naugle stated that there were three candidates that were going to be interviewed by the City Commission for the Downtown Development Authority Board. He further stated that this was the only Board that the City made appointments to that actually had the power to tax, and therefore, was the most powerful and strongest Board in the City.

Norman “Norm” Adams thanked the City Commission for the opportunity to speak before them at today’s meeting. He stated that there were three reasons why he felt he should be appointed to the Downtown Development Authority Board.

- He explained that he was already involved with the DDA and did not wait for a Board position to become available to work with them. He began attending DDA meetings in 1991, and currently served as the Chairman of the DDA Broker’s Round Table which was a group he had formed with the Executive Director of the DDA bringing together office building representatives to meet and determine what could be done collectively, as one of the largest tax bases in the downtown area, to promote the area and make it a better place for the citizens.

Commissioner Moore left the meeting at 1:37 p.m. and returned at 1:38 p.m.

- Mr. Adams continued stating that the second reason he felt he was qualified for such a position was that he had been a life-time resident of the City.
- Mr. Adams finally stated that he wanted to bring a new level of creativity and excitement to the Board. He felt one of the most important ideas being introduced was the live/work/play concept for the downtown, and he wanted to continue to help the City grow responsibly. Mr. Adams

stated they needed to find ways to provide affordable housing so everyone could be living in the area and all types of professional services could be offered.

Mayor Naugle stated that all candidates needed to identify their qualification for this Board which consisted of either owning property in the City or being an officer or director of a corporation that was a tax paying entity.

Mr. Adams replied that he worked with CAPROC Third Avenue, LLC, as a Managing Agent, who owned the \$40 Million Office Tower, and also was a Senior Associate with Trammel Crow Company.

Commissioner Smith stated that Mr. Adams had used the term "grow responsibly" in his presentation, and he proceeded to ask how this should be done, and what was his definition of irresponsible growth.

Mr. Adams explained that the term "urban sprawl" was something that was seen throughout South Florida, and they would not want that in the area. He stated that if the density could be in the core of the downtown, and have the outlying areas integrated with lesser dense projects, that would be the most responsible way for it to grow. This would allow them to integrate the residential component next to the commercial components. He continued stating that he was a big supporter of Tom Gustafson's ideas involving transportation so everyone could be accommodated.

Commissioner Moore asked if in Mr. Adams' description of less density and affordable housing was he suggesting that the DDA would be assisting in contributions to allow residential units to be more affordable, if density was removed.

Mr. Adams stated that the DDA probably needed to find ways to partner in order to accomplish that, and if it meant contributing some public funding, along with another public partner or private partner, like they began 20 years ago with investing public funds to attract private development to the area, he felt that would have to be done. He did not feel that the DDA alone could invest just their money, but other groups were available that they could team up with. He felt if it was a conscious effort, then this could occur.

The next candidate was Peter Feldman. Mr. Feldman stated that it was an honor and a pleasure to stand before the City Commission once again. He explained that he had been involved in South Florida and Fort Lauderdale real estate development since 1972, and hoped that his business interests in the City had made a difference over the last 25 years. He stated that he was excited about the possibility of working with the DDA.

Mr. Feldman explained that when he had started his business in Fort Lauderdale in 1976, there was no actual Downtown Fort Lauderdale. He stated there had been a long-term vision which had evolved over the last 25 years. He explained that with the government's help, they had seated the downtown with public sector anchors which brought some office towers into the area, but in reality they were now realizing the need to become a 24-hour City. He felt it would end up being more residential over the next 25 years, which would introduce a completely new level of issues which would have to be addressed.

Mr. Feldman continued stating that making the downtown a place where people would want to live, walk, and work was something that had to be acted upon. He stated that some of his community affiliations included the Downtown Council Board of Directors, Founding Board of the Vinnette Carroll Theater, Fort Lauderdale Winterfest and Boat Parade, Chairman of the Beach Ball, Greater Fort Lauderdale Chamber of Commerce Building Committee, Broward County Chapter of the Children's Home Society, American Red Cross, DDA Representative for the Homeless Assistance Center Housing Problem, Community Services Board, Code Enforcement Board, Riverwalk Bond Subcommittee, Northwest Progresso-Flagler Heights Community Redevelopment Agency, Andrews Avenue/Third Avenue/Sistrunk Boulevard Project Development and Environmental Study, and the RAC Subarea Mobility Study. He stated that he believed he knew the issues of and did not "sit" on boards, but "worked" on them.

Mr. Feldman stated that 10 years ago the DDA was expanded due to a special act he had filed in Tallahassee

because he believed he wanted to pay extra taxes so he could have the participation of the DDA in an expanded area. He stated that the important issues today were giving the pedestrians priority and the introduction of user-friendly mass transit. Other important issues involved the completion and adoption of the Downtown Comprehensive Master Plan, and finally to make sure that all the fringe areas of the downtown were included in its success.

Mayor Naugle asked Mr. Feldman what were his qualifying properties.

Mr. Feldman stated that he owned Putnam Realty and he was an executive on 441 Developers, and personally owned properties.

The final candidate was Sam Poole.

Sam Poole, attorney with Berger-Singerman, stated that they were tenants at the 350 E. Las Olas Building. He stated that he resided in Rio Vista and was very familiar with what was happening in the City. He explained that his law practice involved land use and environmental law. He stated that he also had a Masters Degree in Regional Planning, and his entire career had been focused on urban and rural planning issues. He continued stating that recently he had gotten very involved with urban redevelopment, and during the 5 years he had been CEO of the South Florida Water Management District he had unpleasant experiences with the consequences of suburban and bad rural planning. He also had experience in working with appointed boards which had taxing authority, and therefore, was well aware of the unusual nature of an entity created by the legislature such as the DDA. Mr. Poole explained that this had reinforced his focus on trying to redevelop cities.

Mr. Poole stated that he also served as Vice-Chair of the Transportation Management Association which was attempting to bring in an effective transit system that would meet the needs of not only the community as it presently existed, but more importantly the 24-hour community it was becoming. One of his larger concerns was that while they were putting all the pieces together, they were missing the opportunity of being a great urban space because there was not yet a shared vision on how to put all the pieces together. He stated there were some good examples such as Himmarshee and Las Olas.

Mr. Poole remarked that the most important transit system in any environment was pedestrian traffic. If that was lacking, one could never have a good transit environment. He felt Fort Lauderdale was the City with the greatest opportunity to become Florida's best city.

**Action:** Formal action to be taken at Regular Meeting.

**I-C – Florida Department of Transportation (FDOT) Downtown Fort Lauderdale Connection Study - I-95 High Occupancy Vehicle System/Tri-Rail Corridor and the Downtown Regional Activity Center**

The City Manager stated that it was important for the Commission to know what alternatives or options were available to the City for the future. He stated that he was acutely aware and sensitive to the concerns expressed by the citizens and the Commission regarding some of the ongoing projects, their length of time, and their disruption to the community. He explained they were about to discuss a potential alternative in terms of transit that would further disrupt one of the main arteries of the City, which was Broward Boulevard. He asked the Commission to look at this from a standpoint of it being an alternative for the future.

Commissioner Hutchinson left the meeting at approximately 1:55 p.m. and returned at 1:57 p.m.

Peter Partington, Traffic Engineer, stated that Jeff Wiedner, who was with the Department of Transportation, was District IV's Mobility Manager, and he also served on the Advisory Committee to the

Subarea Mobility Study of the RAC and the Downtown Master Plan.

Jeff Wiedner, Department of Transportation, introduced the players for the project as follows: Doug Coolman was the principal Engineer, Project Planner was Greg Kyle, Public Involvement Specialist was Sheryl Dickey, and Carin Williams from FDOT. Mr. Wiedner stated that he was going to discuss regional connections to the Downtown Fort Lauderdale area.

Mr. Wiedner stated he would first discuss how the study related to all the transit studies which were being conducted at this time. He proceeded to show a map of the MPO's adopted 2025 long-range transportation plan showing the transit elements. He explained that the blue lines represented premium transit service and was envisioned to be a people mover, bus transit, or light rail. He stated that the green lines were envisioned to be bus rapid transit or really good bus service. The yellow lines represented the existing bus service. Mr. Wiedner stated that these were just lines on a map, and the computer model used to develop long-range transportation plans was not sophisticated enough to identify exactly where the corridors were located. He explained they needed to go into engineering studies, as was done when the roads were being built, and identify the corridors and their exact locations.

Mr. Wiedner further stated that at this time the MPO had funded the east/west study and in about two years a form of transit system would connect the Sunrise area to the Downtown Airport area. He continued stating that the State Road 7 Transit Study was funded and moving into engineering. He explained that none of those projects were prioritized or listed on the MPO's priority list. He stated the main focus or reason of this study was to identify the probable corridor for analysis so it could be included on the MPO's priority list. In addition, the City had a number of projects taking place, such as the Beach Transit Study, the RAC Study for the downtown area, and the Airport and Seaport were also looking at this connection for the cruise lines. He further stated that all these studies had to be connected and were all complimentary, but the Beach area and the area would be disconnected from the Regional Transportation System without some sort of regional link. He explained this would be discussed at today's meeting.

Mr. Wiedner continued stating that they had completed the Project Need Study. He stated not only was their traffic congestion in the area, but also transit congestion in the area and the growth of the downtown. Once these were identified, they would look at the deficiencies and what kind of additional capacity was needed to support this growth. He proceeded to show a map of the existing roadway traffic conditions which were graded A through F. He explained that Sunrise Boulevard, Broward Boulevard, Davie Boulevard, State Road 84 and US 1 north and south of downtown were all failing.

Mr. Wiedner proceeded to show a graphic of using transit in the downtown area. The red lines represented "standing room only" on the buses which was deficient. He then showed a graphic which identified the growth in the area. In the long-range plan none of the transit or the premium transit facilities were built in the downtown and it was still growing. Roadways were completed with the exception of the 7<sup>th</sup> Avenue and 9<sup>th</sup> Avenue connectors. He stated it was time to review the construction and identify what type of facilities were needed to connect the downtown area to the Regional Transit System.

Mr. Wiedner showed a graphic depicting the scenarios if a transit system was not built and the downtown continued to grow and only used the roadway network. He explained that the volume was the number of cars divided by the capacity, and if it exceeded 100 there was not sufficient capacity to carry the vehicles. He explained further that Sunrise Boulevard would be 21% over capacity, Broward Boulevard corridor including Sistrunk Boulevard would be 70% over capacity, Davie Boulevard would be 17% over capacity, 595 had some capacity available, but north and south movement on US1 would be over capacity. Mr. Wiedner stated that when you approached a transit study to satisfy the Federal Government's requirements, one needed to look at existing needs and any type of alternative. He explained they looked at 22 alternatives and every possible technology including HOV lanes going into the downtown area, and proceeded to show a graphic of those corridors that had been studied.

Mr. Wiedner explained that a number of technologies had been looked at such as light rail and bus rapid transit which were new technology systems. He showed photographs of some of the new vehicles and user-friendly systems which could be considered for the City. He also showed photographs of elevated-type transit

systems such as an automated people mover at the Airport, monorails at the Airport, the Las Vegas system which were very sophisticated. He stated that these systems could give the City an identity, and get over the stigma of transit.

Mr. Wiedner stated they had a number of evaluation criteria. He explained that many of the 22 alternatives could be disregarded basically by reviewing the alignment and how well it would connect to the downtown. He stated further that transit had to be user-friendly. He explained that the technology of the system was important and they were not looking at local circulators, but a regional connection to feed the distributor. He explained it needed to be high capacity and capable of moving faster than the single-occupant vehicle or people would not use it.

Mr. Wiedner explained they had gone through their Fatal Flaw Analysis and many of the corridors fell away. He proceeded to show a graphic of the remaining corridors which were Broward Boulevard, NW 1<sup>st</sup> and 2<sup>nd</sup> corridors, north/south corridor from I-595 with a link to the Regional Transportation System. He explained that Broward Boulevard was being focused on as the most direct and first priority of the City for connection to this system because of the opportunities of the Tri-Rail Station and directness into downtown. He stated that DOT owned a large piece of property at the location which could be part of the technology used to bring people into the area.

Mr. Wiedner stated there was a potential for a very good bus service into the downtown and would be consistent with moving people in and out of the area. He explained if it was a short-term alternative, they could consider a form of signal improvement at NW 15<sup>th</sup> Street whereby the bus would trigger the signal so it could move into the NW 1<sup>st</sup>/2<sup>nd</sup> corridor and into the downtown area. He further explained that they had looked further into the FEC corridor. He believed there would some day be passenger service on this corridor. He stated that FEC was not interested in selling links and wanted to sell the entire corridor for about \$500 Million.

Mr. Wiedner further stated they had closely looked at how to get from the Airport to the downtown area along the FEC corridor. He explained there were a lot of problems with the spurs and possibly this might not occur during the short-term plan. He stated that surface rail along Broward Boulevard would be a long-term improvement. Another solution could be a form of surface rail along the FEC corridor from I-595 and Broward Boulevard.

Mr. Wiedner continued stating that the neighborhoods were critical to the study and they had presented the alternatives to them in order to obtain their feedback. The strategic location of the downtown Fort Lauderdale area and the Regional Transportation Network had single-family communities in-between and this was a critical element in getting their support and accessing downtown with regional transit.

Mayor Naugle stated that it appeared passengers would once again be on the FEC corridor some time in the future, and proceeded to ask if the connection on Broward Boulevard with Tri-rail and the downtown would be as important if the FEC was also used.

Mr. Wiedner replied that he felt both systems were necessary and were both on the long-range transportation plan. He stated there needed to be a long-term vision. He explained that Tri-rail was meant to be commuter rail which was to serve 15-20 mile trips. He stated further that the FEC corridor would be ideal for short-term trips, and there could be two types of systems. He explained that the Tri-rail system would be for commuter rail and getting people to work.

Mayor Naugle asked about the time frame for this project.

Mr. Wiedner stated that they were going before the MPO in February so they could get this project on their radar screen. He reiterated that the State Road 7 Study and the East/West Study were already being funded, and without the link between Fort Lauderdale and that system, most systems would not work and would not make sense. Hopefully, things would proceed to engineering and public involvement, and then a PD&E study

could be done within the next couple of years. He stated that long-range improvements took a long time and required funding, and other things needed to fall into place in order for things to happen. He further stated that if everything worked that possibly in ten years they could start constructing the system.

Mayor Naugle asked if this presentation had been made to the DDA. Mr. Wiedner stated they had given this presentation to the DDA in the past, and they had expressed their support.

Commissioner Smith stated that the congestion problem in the downtown was due to people who worked in the area and lived west, and the bulk of the traffic entered through the I-595 corridor to Broward Boulevard. He stated that in order for growth to continue in the area which would attract more traffic, they needed to stop the vehicles at the Airport, and at I-95 and Broward. He stated that he understood there was a plan to look at light rail down the center of I-595 to connect to the Airport, and that questions arose as to how they could move the people from that location to the downtown area.

Mr. Wiedner stated that the long-range plan showed both corridors were needed to support the existing land use.

Commissioner Smith reiterated that they needed a two-pronged solution.

Mr. Wiedner stated that peripheral parking was a key to the success of the system and connectivity was very important. He explained that tri-rail was the "long soldier" out there right now going north/south. He stated that if the RTA went through the legislature this spring, it would be funded for very good bus service. He explained that they would like to see their Park 'n Ride lot or garage developed to accommodate several thousand cars. Once the entire system existed with great pedestrian connections, he hoped people would park in Boca and take Tri-rail and park in a station 15 miles away. He stated there was a long way to go before the system would be built. He reiterated that it had taken 30-40 years to build all the roads, but now was the time to start building the whole system.

Mayor Naugle stated that the answer to the question was that people would leave their car at that location by choice because parking was too expensive downtown.

Commissioner Smith stated that he agreed and was glad that Mr. Wiedner had made his presentation so the process could begin. He stated that a question in the community was whether Broward Boulevard was the right section of road to construct a bus rapid transit or rail system, and people talked about NW 1<sup>st</sup> Street and whether an abutting roadway would make more sense.

Mr. Wiedner stated that this study would not go to the extent of identifying an exact alignment, and reiterated that they were talking about corridors throughout the process. Once they moved from identifying perhaps the Broward corridor which appeared to provide the best connectivity to the downtown area, and once it was funded by the MPO, it would proceed for engineering analysis and review of impacted parcels and roadways. He stated the most critical element to the design was how to get it over the I-95 roadway.

Commissioner Katz stated this was a good idea insofar as it connecting to the Subarea Mobility Study and the regional system, but she questioned if it was too early to ask if the system would be elevated or on land and asked if one system was cheaper than the other.

Mr. Wiedner stated it was too early to discuss the specifics of cost and location, and they wanted to go

into the engineering analysis for the identified corridor and leave the technology some leeway because it had a lot to do with what properties were impacted, or if the roadway would be impacted. He continued stating that this was the way to build the capacity and direct the land use to where it belonged, and taking away a lane from Broward Boulevard would reduce that capacity.

Commissioner Katz asked how realistic it was to expect people to leave their cars once they were in them, and then transfer to mass transit. She thought the thinking of transportation was that the fewer changes made, the



Mr. Wiedner remarked that was true, but that time and cost was valuable to everyone going to work in the mornings. Now, time could be saved in using the HOV lanes or using Tri-rail, but it took approximately 20 minutes to get from the Broward Boulevard ramps into the downtown area. He explained that now the congestion was reaching a point where this was a very frustrating and aggravating drive and without a transit system, it could only get worse. He reiterated that people would use the system, if it was cheaper and faster and that was how it would have to be designed.

Commissioner Katz asked when this would be put into the MPO and what funding cycle were they looking at.

Mr. Wiedner stated they were going as an informational item in February, and they would come back immediately afterwards and make the presentation. C-MAQ (Congestion Mitigation and Air Quality) Funds were used to fund the East/West Study, and roadway funds were used to fund the bridge project which was very encouraging. He stated there were a number of sources that MPO could utilize, and it would cost about \$1 Million to move into the preliminary engineering phase.

Commissioner Katz asked if they would seek those funds in March. Mr. Wiedner stated he was not sure if DOT would go in and ask for them. He stated that his budget was to look at how they could make the HOV lanes operate better, and this came about as a tangent.

He stated they had taken care of the first few steps of the engineering study, and if the MPO could "pick up the ball," and move forward and get this on the priority list and funded, and then proceed to engineering, things would move along.

Commissioner Moore stated he liked this project, but there was a missing component. He stated Mr. Wiedner mentioned there was a need for six lanes for cars and then an HOV lane for transportation, and he wanted that thought stopped because six lanes were only needed during peak times. He did not want this comprised by taking too much right-of-way in order to satisfy both parties. He believed it would not have the type of substantial impact on the use of mass transit and still be convenient to use one's vehicle. He felt the other thing he thought they could do would not require funds from the MPO. He stated the major employer in the downtown area was the government, including the School Board, Broward County Government, the State, and the City of Fort Lauderdale. He felt they should come forward with some type of discussion regarding the staging of times that employees work. He suggested they look at staggering the times for employees which could give an immediate relief to the congestion problem. Commissioner Moore stated that another solution could be a 4-day work week.

Commissioner Moore stated that another concern of his was the cost of parking and he felt they needed to make it more expensive in the downtown area. He further stated that he did not understand how the public accepted the Department of Transportation spending the money they had at I-95 and Broward Boulevard and no one using it. He felt they needed to find a way to stimulate FDOT to encourage the use, and he believed this was a discussion that the DDA and the governmental entities needed to have within the next six months.

Commissioner Moore continued stating that the development community would benefit if the banking institutions would see the City was making an effort to reduce parking spaces required and offering off-

site parking. He felt that possibly the development community might change their employees' working hours and help advocate the governmental entities shifting the times the employees worked. He hoped they would have some deliberations that would not pertain to money and engineering, and would relate to a practical method for loosening up the congestion. He stated that he had recently been in Salt Lake City, and they had a light rail system which worked very well and people were utilizing it at all hours and off-site parking was used. Another point he mentioned was that shaded areas needed to be included at the transit stops for pedestrians.

Mayor Naugle stated that he wanted to give FDOT the indication that it was likely the City Commission would want to keep whatever there was on Broward Boulevard and not in the neighborhoods. He stated it was a

known fact that the residents on either side preferred this.

Commissioner Smith stated that most of that corridor was a commercial area. Commissioner Moore stated that was the situation at this time, but based on the redevelopment concept on the table and the communities south of Broward Boulevard, there were various residential communities. Commissioner Moore stated that from 15<sup>th</sup> Avenue to 7<sup>th</sup> Avenue it was commercial, and then it began to change tremendously. Commissioner Smith stated he was in support of this project.

Commissioner Smith asked if it would help to have the City Commission pass a resolution at tonight's meeting in support of these efforts. Mr. Wiedner confirmed. Commissioner Moore asked if the components would be added that were discussed regarding their talking to the stakeholders who were the major employers in the area in connection with staging of work hours. Commissioner Smith stated that when this finally did happen, these were some of the first entities you would encourage to park in the area.

Commissioner Katz stated they needed to be in the position to have something to offer to them. Commissioner Moore remarked that incentive was necessary. Commissioner Katz stated they needed the fast headway so they could jump on something and come into the downtown area. Commissioner Moore stated he always felt they could deal with the HOV lanes on Broward Boulevard now. He also stated that this would get the community to think about changing their practices.

The City Manager stated that they needed to be cautious because the idea that things did not cost money was a wrong concept. He continued stating that it did require careful integration of what they wanted. He stated there was a rightful role for transit, but he wanted to make sure they did not find themselves in a bad situation. In the resolution, he encouraged the Commission to say they would take a careful look at some of the alternate plans and studies and what their impact might be in terms of what would be done regarding transit and the HOV lanes. In regard to the parking site at I-95 and Broward Boulevard, he stated there might be a prime piece for further development at the Konover Site which would bring in some economic well-being to the community.

Commissioner Katz stated they could do a transit oriented development which could bring it all together. Commissioner Moore stated he did not want to slow down the development of the Konover Site or its economic impact on development, but he was looking for all the money for CRA development, and he was suggesting that since they had the air rights above the property, DOT could do a number of staging opportunities that would allow them to expedite some concept for parking.

Commissioner Smith stated he was only willing to increase parking charges if they exempted the citizens of Fort Lauderdale with a resident discount. Commissioner Moore stated he did not have a problem with the consideration of how they go about putting it out, but it was clear they were giving it away at this moment too inexpensively.

**Action:** Resolution to be presented at the Regular Meeting.

**I-D – Florida Department of Transportation (FDOT) - Florida Turnpike Widening Improvements - North of Sunrise Boulevard to Atlantic Boulevard**

Commissioner Moore stated that he felt no one should have a concern with this. Mayor Naugle remarked that they would be informed as to how this would affect Commercial Boulevard at the section where it touched the City.

Commissioner Moore left the meeting at approximately 2:33 p.m.

Peter Partington, Traffic Engineer, stated that they had until December 28, 2002 to respond to the notification

that they were going into a PD&E study. When they stop, they would get another opportunity to make comments. He felt that one reason for making comments now would be in regard to the terms of reference for the PD&E study which were being set at this time.

Commissioner Katz stated that when this came to the MPO some of them were not in favor of widening the lanes, and they were going to widen I-95 from 8-10 lanes north of Commercial Boulevard. She stated that the Commission had voted against that and felt that instead of increasing the lanes, they could concentrate on mass transit. She explained that her concern was that sound walls be included in the study and funded for the area of Palm Aire Village.

Mr. Partington stated there would be an extensive analysis of sound implications, but he did not see transit in the scope of the study.

Commissioner Smith stated they had been attempting to "turn the big battleship around," and they needed to say "no" and redirect the road widening money into smarter ways to transport people, if they were going to have a viable area. He felt if they just did not support this, then things would turn around quicker. Therefore, he felt they should tell DOT they were not interested in this unless they could show an incredible bottleneck, and if they were just trying to accommodate quicker movement of single-passenger automobiles, they had to stop at some point and why not stop it today.

Mr. Partington stated he did not know if it was for quicker movement, but the Commission could send forth their message at this time. He explained they would have to follow-up on this at the MPO level as well because the widening was included in the MPO's 2025 Plan and it would have to be deleted. He stated that one of the planks in going forward with this from the Turnpike point of view was that it was in conformity with Broward County's Transportation Plan, and they would have to fight that battle as well.

Commissioner Smith asked if the conditions there would adversely affect the citizens of Fort Lauderdale. Mr. Partington stated you could say it adversely affected the people making their livelihood in the City, but he stated it was the reverse situation for the residents of the City. He explained that ultimately the widening of the Turnpike might bring in additional vehicles on the arterial system. Commissioner Smith stated he felt the Commission should oppose this and pass a resolution saying they felt there were more beneficial ways to spend the millions of dollars this project would cost, and convert it to some sort of spending for transit.

Mayor Naugle stated that this should include a statement or position that if this project did proceed forward, the noise problems regarding Palm Aire Village were to be addressed or the Commission would really oppose this.

Commissioner Katz stated they had also listed a cross-feasible plan for a new interchange at Oakland Park Boulevard. Mr. Partington explained that was not part of this proposal, but it was part of Broward County's MPO Plan.

Commissioner Moore returned to the meeting at 2:40 p.m.

Commissioner Katz stated they had given them an argument about that. Commissioner Smith stated they were supposed to do a lane pull-up to the hospital and nothing else. Mr. Partington stated that he did not see that in this study, but he saw that it was referenced and still alive. Commissioner Katz reiterated that this was something they needed to question because they did not need more cars coming off the Turnpike onto Broward Boulevard. She asked if this would be appropriate to include in the Commission's resolution.

Mr. Partington stated it would be appropriate, but he suggested that due to the time line the Commission have a formal resolution at tonight's meeting.

Mayor Naugle stated that two members of the MPO were to review the language, along with the Commissioners.

**Action:** Resolution to be presented at the Regular Meeting.

**I-E – Liens on Historic Properties - 700 and 712 S.W. 2 Court**

The City Manager remarked that this was placed on today's agenda at the request of Commissioner Hutchinson, and that John Simmons, Assistant Director of Community Inspections, was present at today's meeting to respond to the Commission's concerns and issues.

Commissioner Hutchinson stated that the fines on the two properties were well over \$1 Million. She stated that staff was looking for some direction as to what would happen if the City ended up with the properties. She asked what the next step would be and would the City want to rehabilitate them. She stated this matter had dragged on for a long time and it needed to be addressed. She continued stating that this had gone before the Historic Preservation Board (HPB) a while ago and no one is giving any direction regarding this matter.

Commissioner Smith left the meeting at approximately 2:41 p.m. and returned at 2:43 p.m.

The City Attorney stated that there were two issues involved in this matter. The first issue was a policy issue, and did the City want to own and maintain historic property. The second matter was that in this particular case, these people had asked for a demolition permit that had been denied. The property changed ownership and another request was made for a demolition permit on the basis of being structurally unsafe, and again the permit was denied. He further stated that the City Engineers determined it was structurally unsafe. He explained that the City had not issued a foreclosure on this property because of the serious potential for counter-claims for damages to the owner for having denied demolition permits. Also, the issue of owning property designated commercial had not been addressed so things were left to languish.

Commissioner Hutchinson stated that the City Attorney was correct, it was easier not to discuss this instead of setting up a policy. She stated this was again going before the Special Master because it was cited once again. She asked how much higher the fines had to get before it was brought before this Commission.

Dr. John Frankavella, new property owner, stated that he had bought the Waverly Estate which was about 3 acres. He explained that he had been out of the country, but he had approached several members of the HPB and he explained he had to buy this property in order to obtain the larger piece of property. He could not buy it and put it in his name due to the liens on the property, but he had met with John Smith, Building Official, who explained the situation to him. He stated it was a "Catch-22" because he wanted the larger parcel, and therefore, was stuck buying this property as well. He bought it in a corporate manner which meant that the corporation which owned the property for the last 15 years was now his corporation. He stated that he did want to demolish the structure, but he wanted to do it in the

proper manner. He continued stating that he had an independent inspection done by an engineer and everyone agreed the house should be demolished. The previous owner had let the house disintegrate.

Dr. Frankavella stated that since the house was not salvageable, he wanted to tear down the house and turn it into a park. He explained that he wanted something done that would not only benefit him, but the community. He stated that the bottom line was that he would do whatever it would take to make everyone happy, but he believed that the HPB was being unreasonable.

Commissioner Hutchinson reiterated that this matter had been ongoing since 1995 and how long could they avoid not addressing the issues. She stated it really was the fault of the previous owner, and now the City was caught in a "Catch-22", along with the new owner.

Mayor Naugle felt the best outcome would be to foreclose on the property and take possession of the property. Then, they could put it out for bid and see if anyone was willing to restore it.

Commissioner Katz asked if the liens would be forgiven if the property was foreclosed on, and a bid put out

contingent on restoration of the property. Mayor Naugle stated if the City foreclosed on the property, there would be no liens.

The City Attorney stated that the Mayor was correct because in this case there were no mortgages on the property. He explained that the corporation owned the property free and clear. He suggested the City meet with the new property owner and try to resolve the problem because if the City forecloses on the property, they would have to board it up. The owner had been denied a board-up permit. If the City boarded the property up after foreclosing on it, the City would not be doing itself a favor. From this perspective, if the City owned it they would have to immediately fence it in because they would be liable for the same liabilities the owner was concerned about. Another suggestion would be for the City to restore the house and the owner to donate the property for a park. Therefore, he felt it necessary and prudent for the City to meet with the property owner to come to some sort of closure on the matter.

Commissioner Hutchinson stated she was not convinced of this.

Commissioner Moore stated that the present owner was not the person who allowed the property to fall into disrepair. Another point was the legal aspect because if someone entered the property while the new owner was in possession he would be liable, but if the City foreclosed they would be liable. He stated that he was also concerned if the house was salvageable because Engineering had stated the structure was unsound and unsafe and recommended demolition. Therefore, if someone was willing to establish the property as an open green space which everyone was always talking about, he felt that was a good resolution. His only request then would be to have a historic sign placed on the property about the house and the character of Sailboat Bend. He continued stating that he did not see the rationale of the City taking the risk which could cause future problems.

Commissioner Moore stated they did not have any incentive to offer any historic preservation desires in the City. He asked if Engineering had gone to the site and would they confirm the structure was unsafe.

Commissioner Hutchinson replied they had been to the site in February, 2002.

John Smith, Building Official, stated that he had been to the site twice and had declared it unsafe. He explained that he had then been approached with figures regarding the structure's restoration, and the Historic Preservation Board felt the figures were high. He stated that the City had an independent architect analyze the structure, and the figures were in the same range as previously reported. It would cost between \$175 to \$250 sq. ft. to place it in working condition which would be about \$300,000.

Michael Ciesielski, Planning and Zoning, stated that the property at 700 S.W. 2<sup>nd</sup> Court was approximately 1900 sq. ft., and the property located at 712 S.W. 2<sup>nd</sup> Court was approximately 1100 sq. ft.

in area. These measurements were of the structures only.

Mayor Naugle stated that the City Attorney had suggested a meeting with the property owner so he felt the Commission should wait and see what type of settlement would be reached, if any.

**Action:** Status report to be given at the Conference Meeting on 1/7/03.

#### **I-F – Replacement of Community Bus Transit Vehicles**

The City Manager stated that they had provided an update regarding this project at the last meeting, and Mr. McHugh has been the City's representative with the TMA and would provide a further update.

Commissioner Hutchinson left the meeting at approximately 2:55 p.m.

Horace McHugh, City Manager's Office, stated that in addition to the information in the agenda which addressed the Commission's concerns and questions, and an extension was offered to December 15<sup>th</sup> to have

the operator come into compliance, but there appeared to still be some operational issues.

Commissioner Moore left the meeting at approximately 2:57 p.m. and returned at 2:58 p.m.

Mr. McHugh explained they had spoken with the County, who was the funding provider under which they operated, and they were still involved in negotiations. He continued stating they wanted to offer an extension until January 5, 2003 for compliance for the hybrid electric vehicles, as well as for the 20-passenger minimum equipment. Commissioner Smith asked if this was being offered by the County. Mr. McHugh stated they were involved in discussions and the County was talking about this with certain conditions. Commissioner Smith stated that the DDA wanted to come to the next meeting on January 7, 2003, so he felt they needed to have an extension at least until then when they could discuss the matter together.

Commissioner Moore agreed to the January 5<sup>th</sup> extension, which was the commitment the County had placed on the table, with the understanding that the conditions which were a concern to the County, City, and the TMA would be met.

Mr. McHugh explained they were currently more than 45 days out of compliance, so another 3 weeks would put it beyond a reasonable range and operational issues would be raised.

Commissioner Hutchinson returned to the meeting at approximately 2:58 p.m.

Commissioner Smith stated they would be forcing him to do something that would not work if enough time was not given to reach a solution that would be favorable to everyone. He explained that the DDA wanted to be part of the solution, and unless a special meeting would be held, the Commission's next meeting would be January 7, 2003. He stated the operator would be out of compliance by that date, thereby forcing him to get inadequate vehicles on the road, and there would not be an opportunity for getting historic-looking transit on the road.

Mr. McHugh explained that ADA compliance had to do with someone being picked up who was in a wheelchair. He felt that had nothing to do with the style of vehicle. He stated that the County and the entire transit system should not say, "let's wait 60 days." Commissioner Smith stated they could not say that, but they could say, "can you accommodate the person in the wheelchair." He further stated that from what he understood of the situation, that person was being accommodated by a special pick-up.

Bryan Williams, LLS Ground Transportation, stated there were a couple issues regarding the date of January 5, 2003 and why it would not work. He continued stating that there were two issues involved. The first issue was the matter of ADA compliance. He explained that LLS could be ADA compliance by the 5<sup>th</sup>

of January. However, there was another issue which was the hybrid electric vehicles. He further explained that they had been waiting for training on the HEV vehicles since October. Mechanics were hired and the facility had been changed for the set-up of those vehicles. Mr. Williams stated that the HEVs were also a part of the January 5<sup>th</sup> deadline date. He further stated they did not feel the HEVs should be part of the date and wanted an extension until they could receive training from the manufacturer on those vehicles. Mr. Williams reiterated they would be in compliance with regard to the ADA vehicles on January 5, 2003.

Commissioner Moore asked for some further clarification on the matter, and continued to ask if there had been a contractual obligation for the hybrid transportation to be provided by January 5<sup>th</sup>. Mr. Williams explained there had been a contractual agreement with the County, but they had returned to the manufacturer and asked them if they could receive the training prior to the January 5<sup>th</sup> deadline, and as yet they had not received a response to their inquiry. Commissioner Moore again asked if there had been an agreement to have the hybrids ready by January 15<sup>th</sup> of next year. Mr. Williams confirmed. Commissioner Moore proceeded to state there was now another contractual concern regarding ADA requirements by January 5<sup>th</sup>. Mr. Williams confirmed. Commissioner Moore remarked they were placing the two issues into one extension which meant they were reducing the hybrid time from the 15<sup>th</sup> to the 5<sup>th</sup> and they were asking that the ADA requirements be met on the 5<sup>th</sup>. Mr. Williams confirmed. Commissioner Moore proceeded to clarify that Mr. Williams could

meet the ADA requirements and all other contractual obligations by the 5<sup>th</sup>, except for the hybrid training which was to be supplied by the manufacturer after that date.

Commissioner Katz stated that it was her understanding that the hybrids had not been in compliance for quite a while, they were supposed to have been in compliance a number of months ago. She further stated that someone had been trained, but had left his employ. She explained that she did not want to keep going through the same cycle because the County would end up withdrawing the money, and she did not want that to happen.

Mr. Williams stated that a person had been trained and he did leave the company, but since October they had the facility and a mechanic available and ready for training. He stated that the manufacturer had continually refused to provide the training based upon their disapproval of the facility. He further explained that the facility met all the current requirements the manufacturer had requested. He continued stating that they had even offered to purchase a new facility to appease them. He reiterated that the current facility was sufficient to provide the training for the staff.

Commissioner Smith asked what problem the manufacturer had with the facility. Mr. Williams explained that basically they were concerned about the facility not being large enough, and that it was 2500 square feet. He further stated the manufacturer was concerned that the facility did not have air compressors, so he went out and bought them. Another concern was the electrical system. Mr. Williams stated that he had 3-phase electricity installed at the facility. The manufacturer was also concerned about a 10-ton jack lift system not being available, so he purchased one. They were also concerned that the facility did not have running water, and he then had a water line put into the facility. He stated that he had done everything possible to comply with all the requests made by the manufacturer.

Commissioner Moore asked when all the additions had been done that upgraded the facility. Mr. Williams stated they were done prior to October, 2002. Commissioner Moore asked if the manufacturer was aware of all the changes made at the facility. Mr. Williams confirmed, and stated that letters had been sent to them.

Commissioner Smith asked if the manufacturer was still refusing to conduct the training. Mr. Williams explained that the manufacturer's statement was when adequate facilities were provided, they would conduct the training. He further stated that they had not sent any representative to inspect the facility as of this time.

Mayor Naugle suggested that the Commission take the position that they approved the extension, and then they would need to get a similar approval from the County, and if they did not, then possibly a special meeting could be held. Commissioner Smith agreed.

Commissioner Smith asked if Mr. Williams was meeting the ADA requirements by January 5, 2003, by providing an additional pick-up service as was done in the past. Mr. Williams replied they were providing the correct number of ADA compliant vehicles. Commissioner Moore suggested that the extension be granted until January 5, 2003, and that the hybrid issue be addressed by January 15, 2003 as originally scheduled.

Commissioner Smith stated this whole matter was about encouraging him not to have the same unfriendly type transit vehicles on the road due to the fact they had been damaged in a fire. He asked if the vehicles that would be placed on the road by January 5, 2003 were temporary ones. Mr. Williams stated they were not temporary and were long-term purchased vehicles, and explained that due to the situation surrounding ADA compliance, he was forced to purchase the vehicles. He explained he could resell them at a later date because there was a demand for them, or he could utilize them in another service if his company continued to expand.

Mr. McHugh explained that initially he had been required to have 6 ADA compliant vehicles. Mr. Williams explained that his contract required 7 vehicles in order for him to be ADA compliant. He stated that if he did not purchase the 4 vehicles, he would have been short a total of 7 vehicles at that time. He continued stating that

with the order of the additional 3 vehicles, he would only be short 3 vehicles.

Commissioner Moore stated that Mr. Williams stated he had a way of addressing the possibility of changing the type of vehicle on the roadway at a future time and was willing to do so. Mr. Williams confirmed. He stated that he wanted Mr. Williams to meet the County's obligations and he had done so and if the County would accept this, the issue of the hybrid training was out of his control. Commissioner Smith stated that he agreed and felt they had to make sure that the County's funding would not be lost. He felt if it was a staff-level decision going on at the County, staff needed to keep the Commission informed.

Mr. McHugh stated that the County's response could be negative since this was an ongoing discussion and had been non-compliant for some time.

Commissioner Katz stated that she wanted to go back to what Mayor Naugle had stated which was that the Commission could grant the extension, but the final decision would have to be made by the County because she did not want to lose the funding, and perhaps he needed to get County approval. Commissioner Smith remarked that possibly they might have to assist him in the process. Commissioner Moore reiterated that they needed to state the facts surrounding the difficulty of getting the manufacturer to conduct the training.

Mayor Naugle asked the City Manager to speak to Mr. Desjarlais on this matter. The City Manager stated that he believed he could sell the matter to Mr. Desjarlais, but he wanted the Commission to understand that he did not want this matter dragged out any further. He further stated that he did not doubt that Mr. Williams had met the requirements, but he had been involved in a long discussion about this matter and the question of when Mr. Williams could meet the requirements in terms of the facility arose. Mr. McHugh stated that in the negotiations they had asked Mr. Williams to provide proof regarding various matters, and that had not yet been provided, which could be the problem regarding the training because the manufacturer might not have the comfort level that the facility was upgraded and ready to receive the training. Mr. McHugh continued stating that he did not want to say that the contractor was negligent in terms of denying the training without him being present at this meeting to defend himself, and only wanted to offer his recollection of statements that had been made by Mr. Williams at previous meetings.

The City Manager stated he would proceed forward according to the wishes of the Commission, but wanted them to understand that the County had a responsibility particularly in connection with the warranty on the vehicles, and the appropriate training for the individuals. He stated if there would be any change, he would advise the Commission at the Regular Meeting, and if necessary, a special meeting could be held for this matter to be resolved.

Commissioner Smith reminded the Commission that they had been encouraging small business owners and it was difficult for a small owner to do this, and it appeared to him that Mr. Williams had tried very hard. He felt there might be some technical points outstanding, but if they could encourage these small businessmen to be part of the big picture, they needed to do that.

The City Manager stated he was not insensitive to this issue, but he also knew that the Commission needed to base their decision on complete facts.

Mayor Naugle suggested that the City also inspect the facility and confirm what work had been done at the location.

Mr. Williams stated that they were unable to move into a larger facility, so they maintained their present facility.

The City Manager stated that he felt the issue also pertained to the person doing the training and acknowledging the acceptability of the facility. He reiterated that the matter did not just involve compliance with the City's rules and regulations, but they had to meet the manufacturer's requirements.



## COMMISSION CONFERENCE

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Commissioner Hutchinson asked where the training facility was located. Mr. Williams replied the site was located at 3818 S.W. 30<sup>th</sup> Avenue, and the trainer did not inspect the facility as of this time. He further stated that the training people were located in Chattanooga, Tennessee. Commissioner Katz once again reiterated that it was important not to lose the funding from the County.

Mr. McHugh stated they would proceed forward based on the County approving this and Mr. Johnson speaking to Mr. Desjarlais. He also stated that if the contract was terminated on the 5<sup>th</sup> or 15<sup>th</sup> of January, there could be opportunity for litigation, and suggested that the Commission consider this as a condition of the extension.

The City Attorney suggested that any action taken was based upon the approval of the County. If the County did not approve this, the City would have no choice in the matter.

**Action:** Update to be provided to the Commission.

### **II-A – Proposed Purchasing Contract Extensions for the First Quarter of 2003 (January to March)**

No comments were made on this item.

**Action:** None taken.

### **II-B – Boat Storage on the Beach**

The City Manager stated that he felt the memorandum from Mr. Burkeen appeared to be self-explanatory. He further stated that Commissioner Smith had requested that the City review whether there could be additional boat storage at the beach. He stated that Mr. Burkeen did not anticipate a different answer than what had previously been given from the State, but they would ask again. The City Manager stated that this was a matter which could be attributed also to the "turtles."

Mayor Naugle asked if all the storage areas were presently being used.

Stu Marvin, Parks and Recreation, stated that was part of the agreement. Commissioner Smith asked about John Gage's canoes. Mr. Marvin stated they were being used, but he did not know the frequency of their use.

Paul Barter, past President of the Las Olas Outrigger Canoe Club, stated that the canoes were not being used and John Gage was presently in South Africa. He explained the canoes were locked and shackled to a coconut tree. He stated that no one wanted to deal with the matter.

Mr. Marvin stated that he had been informed yesterday by Jim McCarthy that they had been used about a month ago, but he could not verify this information.

Commissioner Smith stated that he had been meeting with the Club and was told that the canoes were not being used. He explained that they had recently bought an additional canoe and asked if they could get some help in restarting the Club.

Mr. Barter explained that one person had the key to unlock the canoes and she takes them out occasionally, but is not actively running them.

Mayor Naugle asked if they could state that the canoes needed to be used or they would remove them from the beach and store them at the Public Works compound for a certain period of time. Commissioner Hutchinson asked if they could show proof that the canoes were being used. Commissioner Smith asked what would happen if they gave permission to put the additional canoe on the beach.

## COMMISSION CONFERENCE

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The City Attorney stated that the Fish & Wildlife people might find the City in violation and revoke our permits. Mayor Naugle clarified that this could hurt the City in putting boats on the beach in the future. The City Attorney confirmed.

Commissioner Moore asked for a clarification of the situation. Mr. Barter explained that the Club Owner, John Gage, was very erratic and unpredictable. He stated they wanted to establish an ongoing organization, and presently on the beach they had Hoby-Cats which were privately owned with one person having the key. There also was a rental section with jet skis and small kayaks on the beach. Mr. Barter reiterated that the Club was formed and had all their corporate papers, and all they wanted was a space on the beach. Commissioner Moore asked if Mr. Barter was a member of Mr. Gage's Club. Mr. Barter confirmed. He stated that a new club had been formed.

Mayor Naugle asked how many boats they wanted to place on the beach. Mr. Barter stated they wanted to put two boats on the beach. Commissioner Smith asked if the rental fees were up to date from Mr. Gage. Mr. Marvin replied he had paid for another year at the cost of \$555 plus tax for each canoe. Commissioner Smith asked if they could sent Mr. Gage his money back.

Commissioner Moore suggested that a letter be sent to the present provider of the space, and explain that the space was for his use and not for storage purposes, and that if the boats were not used within the next 30 days, the City would revoke the agreement and allow the space to be used by another entity.

Commissioner Hutchinson stated that the purpose of this "Club" was to allow public accessibility to the canoes. Mr. Marvin explained that it was not permitted for storage or public use, the boats were for private use and the owner was the permit holder.

The City Attorney stated that the suggestion made by Commissioner Moore was exactly what the City should do and adopt a policy that when the spaces were leased, they were to be used otherwise the permit would be revoked.

Mayor Naugle suggested that the term "use" should be clearly defined.

Mr. Marvin stated that his question in regard to what the Commission was discussing would be what would happen if the person who had the key took the boat out next week which would constitute a use. Commissioner Moore stated he would then have a year of continued use according to his contract. He further stated that what they wanted was accessibility to the water with this type of use.

Commissioner Smith asked when the City received an application did they have to go to the Florida Fish & Wildlife or was the City allocated a certain amount of spots. Mr. Marvin stated the City was allocated 18 spots for that particular area. Commissioner Smith asked how the issue of the Jet Skis was different. Mr. Marvin showed on the map the area of South Beach and the area they were discussing. He explained they had approached the DEP about expanding spaces to the south of the turtle cage, and DEP denied the request. He further stated that the motorized boat launching area had been approved. Commissioner Smith asked how the "turtle people" had agreed to those contracts and suggested they put a canoe at Sunrise.

Mayor Naugle remarked that would probably be more acceptable because they did not want a concentration of boats at that area. Mr. Marvin remarked that the boat launching area was in accordance with Code, and one was not permitted to land craft on a public beach in the City of Fort Lauderdale, except in the space provided by Code. Commissioner Smith remarked that he had asked these questions way before the appearance of the ULI in regard to adding amenities to the beach, and stated he had been informed that nothing else could be placed on the beach. Commissioner Smith stated that the truth was there were 18 spaces in the one area, and because of a local ordinance, the rest of the beach could not have these added amenities. He reiterated that this matter of the canoes was being drawn out and he wanted it settled. He asked if an ordinance reading could be scheduled for January 7, 2003, so that a canoe could be put on the beach at Sunrise. The City Attorney replied it could probably not be done for January 7, 2003, but possibly for January 22, 2003.

## COMMISSION CONFERENCE

12/17/02 - 19

Commissioner Moore stated his concern was the matter of someone chaining their belongings to a tree on a public beach, and that it was permitted to be there for a year. He continued stating that he did not want to privatize the beach.

Commissioner Smith asked if anyone could use the canoes if they showed up at the specific time on the beach. Mr. Barter replied that there were no dues the first 30 days and anyone could paddle as long as they knew how to swim.

Mayor Naugle stated that the policy was that the boats had to be used or the permit could be revoked. Commissioner Smith reiterated that they needed to facilitate and accommodate people wanting to use amenities on the beach. Mayor Naugle asked if they wrote the letter and gave a 30-day notice to the owner, could they use the launching area for the other canoes in the meantime and transport them back and forth until the matter was settled. Mr. Bart explained that presently they had the canoe on the New River and that they were hard to put together, and transporting them was difficult.

Commissioner Smith asked how much the City wanted to accommodate new friendly uses on the beach, and he reiterated that this matter needed to be addressed. Commissioner Moore stated that he had no objection to this matter being placed on the agenda for discussion, but he felt they needed to keep a few other matters in mind. One item was that the 18 slots were chosen at this location because employees were available to keep an eye on what was happening. He felt they should look at the ramifications as to why they only discussed the 18 slots for this particular location.

Mayor Naugle stated that location had been chosen in the late 1970's and the policy had been established because of the availability of parking for the site. He felt if a location was chosen up north on Sunrise, there should be some public parking available.

Commissioner Katz asked if they would have to get approval from the Fish & Wildlife Group. Mayor Naugle stated they probably had to, but they would also have to have an ordinance which would allow access at that location. Mr. Marvin explained there currently was a provision in the Code which allowed access at Sunrise, but due to the design of A1A and Sunrise, there was no parking maneuverability for any Hoby-Cat or that type of boat.

Commissioner Katz asked how the hotels went about getting permission to put these types of amenities on the beach. Mr. Marvin stated he assumed they also had to go through DEP. Mr. Barter stated that in Pompano Beach, they only had to receive permission from the beach to put the canoes there.

Mayor Naugle stated that a 30-day notice would be sent to the owner and in the meantime a recommendation would come back at Conference for the possibility of establishing new storage spaces on Sunrise Boulevard or wherever appropriate.

Commissioner Hutchinson asked how they could do a better job of monitoring what was already out on the beach. Commissioner Moore stated that their resolution should state that the beach should not be allowed to be used as a storage area. Commissioner Katz remarked that possibly the parking lot staff could monitor the beaches.

**Action:** Item would be on the January 22, 2003 agenda for discussion.

### **III-B – Advisory Board and Committee Vacancies**

1. Beach Redevelopment Advisory Board

**Action:** Deferred

2. Board of Adjustment

The Commission unanimously agreed to appoint Al Massey to the vacant position, and reappointed Scott Strawbridge.

**Action:** Formal action to be taken at Regular Meeting.

3. Board of Trustees, General Employees Retirement System

Mayor Naugle recommended the reappointment of Rocci Lombard.

**Action:** Formal action to be taken at Regular Meeting.

4. Board of Trustees, Police and Firefighters Retirement System

Mayor Naugle recommended the reappointment of Tom Karl Topor.

**Action:** Formal action to be taken at Regular Meeting.

5. Budget Advisory Board

Commissioner Smith stated that he wanted to appoint Keith Nicholson.

**Action:** Formal action to be taken at Regular Meeting.

6. Cemeteries Board of Trustees

**Action:** Deferred

7. Citizen Review Board

Mayor Naugle wished to reappoint Fenel Antoine. Commissioner Katz stated she wished to reappoint Linda Shallenberger. Commissioner Hutchinson stated that she was going to reappoint Arnold R. Cooper. Commissioner Smith stated that he was going to reappoint Pat Mayers. Commissioner Moore reappointed Gerlyn Cadet.

**Action:** Formal action to be taken at Regular Meeting.

8. Consensus Review Board

For the Consensus appointment, Commissioner Smith recommended Ted Fling, and Mayor Naugle recommended George Caldwell. The Commission requested both individuals be invited to interview for this vacancy.

**Action:** Messrs. Fling and Caldwell to be interviewed at the next meeting.

9. Community Appearance Board

**Action:** Deferred

10. Community Services Board

**Action:** Deferred

11. Downtown Development Authority

Mayor Naugle stated that it was suggested that the Commission submit a written vote for this position. He further stated that the biggest challenge facing downtown and the City was the future of traffic and transit, and he felt it would be advantageous to the City to have someone not only from the south side of the river, but well-connected in Washington and Tallahassee that would help in requesting funds. Votes were submitted by the Commission and the results were: 3 votes for Scherer and 2 votes for Feldman.

**Action:** Formal action to be taken at Regular Meeting.

12. Economic Development Advisory Board

**Action:** Deferred

13. Education Advisory Board

Commissioner Moore stated that he was going to remove Brad Mattair, as he was no longer eligible, and would be looking for someone to fill that vacancy. Commissioner Smith stated he wished to appoint Dr. Gina Eyermin to this Board.

**Action:** Formal action to be taken at Regular Meeting.

14. Northwest-Progresso-Flagler Heights Redevelopment Advisory Board

**Action:** Deferred

15. Unsafe Structures and Housing Appeals Board

Commissioner Smith stated that he recommended George "Trey" Morgan III for this Board.

**Action:** Formal action to be taken at Regular Meeting.

16. Urban Design Core Steering Committee

**Action:** Deferred

Commissioner Moore left the meeting at approximately 3:40 p.m. and returned at 3:41 p.m.

Commissioner Smith asked if they were going to conduct interviews for the Citizens Review Board. Commissioner Katz confirmed.

Commissioner Moore left the meeting at approximately 3:48 p.m.

**OB – Walk-On Report - Education Issue**

Mayor Naugle stated at the last meeting the Commission had talked about having a report given by the School Board on the funding for schools.

The City Manager stated that he had collected some documentation on the matter and he had also asked Leslie Carhart, Liaison to the Education Advisory Board, and Lu Deaner, who served on the Education Advisory Board, to give presentations.

The City Manager stated that he also had a conversation with Mary Fertig, former Member of the Education Advisory Board. He further explained that this matter arose due to the e-mail everyone had received from Dr. Hayes, and also stated that Commissioner Katz had specifically asked the Commission to discuss this matter at this time. The City Manager continued stating that three issues had been raised in Dr. Hayes' e-mail, but the speakers would give a brief status report on the issues and the City's approach in dealing with the voluminous work in progress of the School Board.

Leslie Carhart, Community and Economic Development Department, stated that three matters were going on at this time. One was the work with the Interlocal Agreements with the School Board, headed by Bruce Chatterton, regarding revisions to growth management legislation which required the City to communicate and coordinate with the School Board regarding the planning of educational facilities. She continued stating that they had completed the 20-day counts and would provide charts to the Commission in the near future containing the enrollment count and a demographic breakdown by schools. She stated that Dr. Hayes had stated that the School Board had hired a consultant to do their long-term capital facilities planning. She explained that they worked on a five-year horizon, but someone was brought in to look at their long-term needs. She stated that this was not related to the passage of the State Referendum and did not address class size, and this was only in relation to their physical planning on a 10-year horizon.

Ms. Carhart stated that their concerns were the same as mentioned previously to the Commission, and involved two critical issues. She stated that they were concerned about equity and the generation and methodology used to project future educational needs. She continued stating that they continued to show the City with no growth and declining enrollments. She stated that they needed to be concerned about this in regard to the projections of fewer students, and that the School Board would be disinclined to

equitably maintain their facilities.

Commissioner Moore returned to the meeting at approximately 3:49 p.m.

Lu Deaner stated that it was very timely that they were discussing education issues. She proceeded to quote from the Economic Summit which had taken place on November 12, 2002:

"Vision Statement No. 11. The nurturing of a seamless education system and production of a regional and market focused work force. Yet in spite of this No. 1 vision statement, not one of the education issues was listed amongst the 6 recommendations. What they did discuss was an item: 'Define what we want Fort Lauderdale to look like.' "

Ms. Deaner stated that she would like to define what the City wanted to see its high school graduates to look like. Secondly, from South Florida Regional Planning Council Meeting on July 26, 2002 they stated: "That the anticipated growth cannot be ignored in South Florida. It would grow by 1.2 million within the next 20 years. If we are to strengthen and diversify the South Florida economy, we must require higher educational and skill levels in our work force." She continued stating that their definition of South Florida included Broward, Miami-Dade, and Monroe Counties.

Ms. Deaner stated that there were several issues coming together at this time. She continued to remark that Leslie Carhart had spoken about the interlocal agreements, and Mr. Chatterton had attended their meetings to discuss this. Mr. Chatterton informed them that he was expecting a draft shortly and they would receive it for review.

Ms. Deaner remarked that the second issue raised by Dr. Hayes was the facility master plan. She stated they

had their first informational meeting last week, and the overall feeling of all participants was that more time was needed and further explanations before they could express their views. Personally, she stated that she had the following concerns:

1. Insufficient attention paid to growth.
2. Sufficient monies being allocated to cure mold and mildew in the schools.
3. Insufficient adherence to the two Constitutional Amendments that were passed recently.
4. Needs further clarification of what is known as FISH (Florida Inventory of School Houses). She explained this had to do with the square area and the number of students permitted in that area.
5. Equity issue. She explained that Fort Lauderdale was a "donor" city. She read a quote by Michael Mayo from the Sun Sentinel.

Ms. Deaner stated that they wanted to keep a cooperative spirit with Broward County Schools and the Board of Education, but more data was needed regarding the number of students from Fort Lauderdale attending the schools, how much money was being contributed, and whether or not they were subsidizing. She reiterated that strong involvement was needed from the City.

Mary Fertig stated that she felt this was a very serious issue. She continued stating that their first notice of this long-range facilities plan was from a notice in the newspaper a week ago Thursday. She explained she then went to the web page and discovered their meeting regarding discussion of this issue was to be at Stranahan High School the following Monday. She stated that many people had attended the meeting and had asked great questions.

Ms. Fertig explained that the School Board had divided the County into 6 areas plus NOVA. She stated that they had put Dillard, Fort Lauderdale, and Stranahan innovation zones into one area, and this area was being allocated the least amount of money. FISH was the capacity and the way the School Board determined how many students they could teach in a particular area, which is established by the State. For purposes of this report instead of using traditional FISH, which would equate to the square footage of

a classroom, they used "Program Capacity." She explained that this could present a problem for Fort Lauderdale, and this was one area they needed more time to research.

Ms. Fertig stated that regarding Harbordale, 15 years ago when they passed the bond issue, they forgot to allocate money for the schools and they went back and fought this on the basis of square footage. She stated that they had measured the old schools and showed them that they did not meet the educational specs. They agreed and stated they would have to rebuild some. Of course, they did not rebuild all of them. Ms. Fertig stated that for this report, they used a flat one classroom equals "x" number of students.

Ms. Fertig explained that one of the problems they want to review was how they calculated FISH because that would determine how many students they think they could fit into a building. She further stated that they had showed an increase in FISH at Fort Lauderdale High School, and a decrease in many of the new western schools. She continued stating that one of the great problems was how they were projecting school enrollment. She stated they showed that Bayview in 10 years would lose 142 students; Broward Estates, 274; Dillard Elementary, 92; Harbordale, 35; and Lauderdale Manors 174. She further stated that they had showed declining enrollment for many other schools. Very few schools were shown with a growth.

Mayor Naugle asked if these figures had been based on census data.

Ms. Fertig stated these questions had been asked because they had also shown a decline in enrollment for the middle schools by about 1,000 students. She stated that they had asked if increased development of housing had been taken into consideration for these figures, and they were informed that they had not been included. She continued stating that they had asked if vertical growth had been considered. They were informed it was not considered. She explained that they had based this upon the growth of 1990 - 2000. The

bottom line was they were showing that the City was losing students, when the exact opposite was the case. Overall, a formula was used in the County of .4 per unit.

Commissioner Smith asked if they had considered the return of families into the neighborhoods. Ms. Fertig stated she believed they had not considered those issues. Commissioner Katz asked what about urban in-fill and stated that everything was pointing to the fact that instead of going to the suburbs, one would have to come back to the urban center. Ms. Fertig stated that these questions had all been asked, along with why they were showing a declining growth. At one point, they were told that their community was saturated. She continued stating that they had been asked to prioritize matters and give them the three most important priorities in the City. She stated that everyone at the meeting stood together and stated they would not bid against each other. A plan would be prepared for the whole community and they would return in January with that plan.

Ms. Fertig stated they had bought some additional time and they were hoping that the Commission would give them some direction.

Commission Hutchinson stated that presentation should be made to the Commission so they could show the School Board the growth that was present in the eastern part of Fort Lauderdale.

Commissioner Smith reiterated that they were basing those figures on the population growth from 1990-2000. He continued stating that things were happening now and there was growth present.

Mayor Naugle stated this was very similar to what happened in the '80's when they told the School Board that the schools would be overcrowded. He explained that they had hired a demographer who reviewed the census data and the development, and they had created a whole picture together. He stated they gave a presentation then to the School Board and things were turned around. They ended up only closing one school and keeping the others, and it was the beginning of having some new schools built for the community. Mayor Naugle stated it looked like this would have to be done all over again. He felt this was very offensive in how they ignored FISH capacity and used the classroom number which appeared to

show a bias for the neighborhoods out west.

Ms. Fertig stated that was true in some cases, but they were decreasing FISH in some of the City's schools also. She did not feel there was a basis for thinking that schools such as Bayview and Broward Estates would be losing hundreds of students over the next 10 years. She explained that the importance of this was that they would be in trouble when there was growth because there was a shortage of money. They needed a plan which would advocate more money for the schools. Ms. Fertig stated that Dillard had just been rebuilt, and Stranahan High School was the oldest in the County and was allocated for the least amount of money for the next 10 years. She explained that she was not going to sit by quietly and let these things happen. She further stated that Fort Lauderdale High School was scheduled for a rebuild and were listed at \$34 Million, and at the same time they were listing a \$57 Million replacement for South Plantation High School, and a \$54 Million replacement for Northeast High School.

Mayor Naugle asked if there had been a Consent Decree that the School Board was in violation of some Court Order or Court Cases. Ms. Fertig stated that the equity issue was that if you were going to rebuild high schools, she felt they should come in at the same figures. She stated they were attempting to buy some additional time so they could do a school-by-school analysis. She continued stating that the School Board had stated they had done a school-based analysis, but she stated no one in the room had been consulted on their school's needs.

Mayor Naugle stated that it sounded like they had not done any checking with the Planning Department in order to know what was happening within the City.



Ms. Fertig stated that some of the people in attendance from the Planning and Zoning Board and they had stated there were many projects before them, and they did not see them on the map the School Board had shown. She further stated that they had repeatedly asked for the School Board representatives and staff to not sell sites within the City and to plan for future growth because they were under planning for the schools. She stated they had never gotten a response as to whose responsibility this was.

Commissioner Smith asked if they were getting support from the elected School Board representatives. Ms. Fertig stated that was a question they would have to do an analysis on and get the results. She further stated that they had not yet given out a date for the January meeting, and they had asked for a date around the middle of the month so they could have time to analyze all the information so they could return with hard facts.

Commissioner Smith asked if the Commission should discuss this at the first meeting in January. Commissioner Hutchinson stated she would like to have the School Board present at the meeting and give their presentation. Commissioner Katz asked who had made the presentation at the meeting. Ms. Fertig stated that the consultants made the presentation and led the discussions. Commissioner Smith suggested they invite the School Representatives for the areas and the people in charge of the presentation for the January 7, 2003 meeting.

Mayor Naugle reminded everyone that at the last meeting, the Commission had asked the City Manager to provide a map showing the boundaries.

The City Manager stated that map was being worked on, and that Mr. Chatterton was in charge of the planning efforts. He asked if the Commission wanted the same presentation made at their meeting or did they want them present to discuss the Commission's concerns. Commissioner Hutchinson suggested possibly a little bit of both.

Mayor Naugle stated a little bit of both would be good, but he felt the Commission needed to prepare a presentation of answers that would be given after the School Board's presentation. He felt that someone needed to review the census data and see if there was any information which could help.

Commissioner Smith suggested that they needed to show the trends of the communities becoming younger with an increasing number of children.

Mayor Naugle stated they needed to look at the new units that were being approved and the redevelopment opportunities. He further stated they needed to consider the fact they were embarking on additional affordable housing, which he thought had a higher number of children that were attributed to the school system than high-rises. He explained there was a formula that showed garden-style apartments had a certain number of children, and high-rises had a lot less.

The City Manager stated that this type of analysis had already been begun between some of the departments in the City, but he felt they needed to remind the Commission that the last time he and the Vice-Mayor went to the School Board seeking monies for the building of an addition at Fort Lauderdale High School, they were not well received.

Mayor Naugle stated that he thought the person who had been hired in the '80's was Steve Galligan. Commissioner Katz asked if this could be done on the School Board's dime saying they made a mistake as to their calculations, and that they should do some refiguring. Commissioner Smith reiterated that the School Board should be told that their system was flawed and that they did not take into account some things that should have been considered.

Mayor Naugle reiterated that they would have to draw a picture for the School Board. He proceeded to thank the Education Advisory Board for all their work and hard efforts.

Commissioner Moore stated that there were some new principals in some of the schools, and he thought there

was a process whereby the community would have the opportunity to review the candidates. He asked if anyone had appeared before the Education Advisory Board asking for the membership to be part of a Steering Committee which evaluated the candidates.

Mary Fertig stated she was invited to sit on a committee that interviewed for the new principal at Fort Lauderdale High School and she felt there were 6-7 parent/community people plus staff.

Commissioner Moore suggested that correspondence be sent to the School Board, as well as to the representatives on the Education Advisory Board, saying they should have the opportunity to discuss the new hires. He realized there was outreach to the community through organizational structures, but he did not feel they were an actual part of the selection.

Ms. Carhart explained that typically when the School Board did such things, they defined the communities around school communities, and rarely did they reach out to other organizations or the local government. She explained that it was a "closed circle" of people that were involved.

Commissioner Moore reiterated that they needed to open the circle and include more individuals such as the Education Advisory Board.

**Action:** School Board to be invited to January Conference meeting to make their presentation regarding the future of schools.

#### **IV – City Commission Reports**

##### Climate Survey

Commissioner Katz asked how long ago it had been since the climate survey had been done for the employees, and stated that she felt it might be time to do an update as to where the departments were in looking at this survey and making sure they were moving forward in a positive direction. If they were not doing so, she felt they needed to address the matter.

The City Manager stated that they did owe the Commission an update on this matter. He stated that there had been 8 issues identified city-wide, and they determined they were not going to work on all of them at the same time. He explained that each department was given a flexibility to determine their top 2-3 issues, and were to supply him with an action plan. He further stated that committee meetings involving all employees had been held in all departments, and actions plans were received and were in various states of approval in the City Manager's Office. He stated that the Executive Management team was meeting to address their city-wide issues and they expected to roll-out at the first of the year. Vision statements, along with goals and objectives, would be incorporated into these plans.

Commissioner Katz reiterated that she wanted to see more than the identification of the issues, and wanted steps to be included as to what was going to be done. Otherwise, it would appear that they were "talking the talk, but not walking the walk," and three years down the road when new surveys were put out, no one would want to participate because no action had been taken.

Mayor Naugle stated they at least wanted to see what work had begun on the issues.

**Action:** Action plans to be provided to the Commission in January.

##### Urban Land Institute (ULI) Study

Commissioner Katz stated that she was concerned that since the ULI Study had been completed, the word on the street was that it was done but they were not going to proceed to the next step. She reiterated that she would like to see a written or oral report in January as to what the next step would be for the City. She felt

there would have to be a master plan for the beach area as to what should be done in the different sections of the beach. She wanted the Commission to think about where funds could be obtained for a Master Plan, and if the CRA was a possibility. She stated that putting the ULI Study together with a numerical study, which did not give all the information needed, was the time to work towards what they wanted changed on the beach.

Mayor Naugle stated that when this had been discussed previously, they decided to wait until the written report would be presented, and then the City Manager would develop short-term, mid-term, and long-term projects. Then, they would prioritize the projects.

Commissioner Smith remarked that this had been discussed at the Beach Redevelopment Advisory Board meeting yesterday. The City Manager stated that he had appeared before that Board and addressed their concerns on this matter. He explained that they were anticipating receiving the report in the next week, and then they would proceed to analyze it. He reiterated that as soon as he received the report, he would have it distributed to the Commission and to the Beach Redevelopment Advisory Board, along with his recommendations on how to proceed.

Mayor Naugle remarked that input would be received also from the Beach Redevelopment Advisory Board on this matter.

Commissioner Katz suggested that Board be invited to discuss this matter with the Commission. She remarked that numerical studies could drag on for a year, and she did not want to see that happen in this case. She felt they should use this as a "springboard" and proceed from there.

The City Manager stated that he was not convinced that another master plan was needed, and he felt an option was for them to look at what they had and if it could be improved upon, particularly in regard to the 5 districts that were proposed for zoning. Commissioner Katz stated that she disagreed and wanted to hear what the Planning Department had to say about the matter.

Mayor Naugle asked that the City Manager address the idea of a master plan in his recommendations. The City Manager confirmed.

Commissioner Smith stated that he thought the CRA Tax Increment was already spoken for, and he did not know how much could be used for the entire beach, and therefore, might not be a funding opportunity unless the spending that had already been agreed upon was restructured. Commissioner Katz stated that they might not have to do the entire beach, and could begin with Phase I and then a "large bite" would not have to come out of the CRA Funding. She felt there were different ways to obtain funding, but she wanted to make sure that this was addressed.

**Action:** City Manager to submit his recommendations after reviewing the ULI report.

#### County Dream Facility

Commissioner Smith asked if the City Manager was going to meet with Mr. Desjarlais and discuss this matter.

The City Manager confirmed and stated they had discussed this previously.

**Action:** City Manager to meet with County Administrator and report to the Commission.

#### Florida Power and Light (FPL) Lot on NE 2<sup>nd</sup> Street

Commissioner Smith stated there was a lot on NE 2<sup>nd</sup> Street FPL had been working on, and he stated that he wanted to know what they were doing at that location.

**Action:** Matter to be raised at the Regular Meeting.

Code Enforcement Property in Sailboat Bend/Large Liens

Commissioner Smith stated that he had spoken with Bud Bentley on the matter of having large fines on properties which continued year after year, and he wanted to know if the City was addressing the matter. Mr. Bentley had stated that he was addressing it as the new head of the Community Inspections (Code) Bureau, and that there was a plan. He further informed Commissioner Smith that they were categorizing the fines, at least in the historic district, and seeing how many there were, in what amounts, and how long they had been in existence and what, if anything, had been done. Then, he planned on doing this city-wide. Commissioner Smith remarked that this had been a problem for a long period of time, and asked when this system could be changed so the problems were addressed as they happened.

The City Manager stated that Mr. Bentley had reported their conversation to him. He stated that there were about \$63 Million in fines which had been reduced to about one-half of that amount. He stated that he had asked once this was cleaned up, what could be done to maintain the system. He explained that there would have to be changes in policies and procedures. He further stated they would need to work with the City Attorney in terms of those policies and procedures, and stated he wanted them to be simple so they would not be complicated, and then nothing got done. He hoped that by the end of January a report could be made along with their recommendations in solving these problems.

The City Attorney stated this was a problem, and he was not sure they could return to the Commission within the time frame suggested by the City Manager because of the complexity of the issue. He felt some of the issues would be raised in the District III's Subcommittee. He stated that they had found out that there were homesteads that were not kept up, and could not be foreclosed upon. Nothing could be done on those properties until they would be sold.

Commissioner Smith disagreed and stated they could help them to fix up those properties, if necessary.

The City Attorney stated that another strategy was they not go through the fining process, and that a Notice to Appear would be given, and then they would proceed with prosecution. He explained this

recommendation would take some time to formulate, and he felt the new committee should give their input on the matter. Commissioner Smith asked what timetable they were looking at. The City Attorney stated it could be 2-3 months before the recommendation could be prepared and presented to the Board for their input, and then present it to the Commission.

Commissioner Smith reiterated that this was a huge problem, and he was glad that multiple efforts were being made to solve the matter. He realized it was very complicated, but felt it was also very important.

The City Attorney stated he had a list of over 500 properties with fines. He stated that foreclosure was not an easy thing to do, but if they could file 2-3 a week it would take them several years to reduce the number presently existing. Commissioner Smith stated they might need some amnesty and start fresh. The City Attorney explained that he had someone in his office who would start doing 10 per week over the next few months with the highest dollar values. The report is being compiled, but there were a lot of properties involved.

Commissioner Smith reiterated that he wanted those properties checked in case there were individuals involved who needed assistance in order to upgrade their property, and not have them foreclosed on. The City Attorney reassured Commissioner Smith they would review all properties.

Holiday Decorations

Commissioner Moore stated that he wanted them to celebrate the holidays with decorations throughout the City. He explained there were many calls made to his office by individuals who felt there was a void in the City.

He felt they needed to find a methodology of either appropriating money in the budget or having a competition dealing with the holidays.

Commissioner Smith suggested that the Community Appearance Board develop some rules for a competition. Commissioner Moore stated he would have no problem with that type of thing.

Commissioner Hutchinson suggested that a program be developed for Riverwalk with the property owners.

Mayor Naugle remarked that this was the time to discuss the matter for next year because there would be a budget impact. Commissioner Hutchinson remarked that it might not have a budget impact if they looked at the property owners to help facilitate the project.

Commissioner Moore suggested they consider the Council of Civic Associations so more people could be involved. He also suggested that the commercial businesses along the main arteries to be involved.

Commissioner Smith felt that the Community Appearance Board was appropriate to work on this matter. Commissioner Hutchinson stated they could incorporate all the other groups to work on the project.

The City Manager stated that this issue was brought to the attention of the Parks and Recreation Department, and other agencies would be involved. He further stated that the Mayor had supplied him with an advertisement of a company in Alabama that did a light project. He stated that he felt the City would have to take a lead position in this matter.

Mayor Naugle remarked that it was good to have the CAB involved, but he felt the merchants and other groups should also be a part of the project.

Commissioner Smith stated that someone had to start the effort and prepare a plan.

**Action:** Groups to develop a plan for next year and present it to the Commission.

#### Sistrunk Corridor Study

Commissioner Moore stated that the Roberts, Wallace & Todd Consulting Group were working with the CRA on this matter. He felt enthusiasm and interest was developing in the community and hoped it would continued.

**Action:** None taken.

#### Street-Level Prostitution/Sistrunk Boulevard

Commissioner Moore stated that they needed to address the street level prostitution along 6<sup>th</sup> Street. He realized a great effort was being made by the police, but the problem still existed.

**Action:** Police to develop action plan.

#### Night School at Old Dillard School

Commissioner Moore stated that they wanted to expand the museum and that caused a concern for the night classes at the school. He suggested this matter go before the EAB so they could review other sites for this program.

Mayor Naugle suggested the classes be held at Walker School. Commissioner Moore stated he was not sure, but it might be appropriate and wanted input from the EAB.

**Action:** EAB to report on possible sites for the night classes.

Petition Regarding Federal Courthouse/Hardy Park

Commissioner Hutchinson stated that there had been articles in one of the newspapers regarding a petition that went to the Supervisor of Elections. She stated that it was odd that a group of people did not come to the Commission so a resolution could have been done regarding the Federal Courthouse. She stated she was prepared to walk this on at the Regular Meeting and wanted to know the procedure. She felt they should have come to the Commission to endorse something the Commission had already endorsed which was the matter of the Federal Courthouse being at 300 NW 1<sup>st</sup> Avenue, and that it not be located at Hardy Park.

Mayor Naugle stated that obviously it was a political matter. Commissioner Hutchinson agreed and asked what the process involved.

The City Attorney stated that the Charter provided that there could be a proposal if the Chairman of a Committee consisting of 1000 individuals presented a petition. He stated that he had spoken to this person in late October, and they had wanted him to write an ordinance for them. He further stated that they had to come in with a petition first, and then he would rewrite the ordinance with recommendations making it legally sufficient as to form. He explained that the City Attorney had 30 days once he received the petition to write an opinion to the Commission, and then there was a 60-day requirement that it be presented to the Commission. After that time, the Commission could either adopt it, deny it, or amend it. If the Commission did not adopt it, then they would be required to obtain signatures totaling 15% of the registered electors in the City. They presently had 1241 signatures to the Supervisor of Elections, and she sent back a certification of 1002 signatures. The threshold had been met and it was delivered to him yesterday.

Commissioner Smith asked what the ordinance had said.

The City Attorney stated it had an interesting concept and basically adopted a policy to identify property, Hardy Park, as "The Common." He stated that other properties could be identified by ordinance as "The Common" as well, and once identified as such would defend against eminent domain action by the Federal Government or any State Agency. He further stated that he would evaluate it and would report back to the Commission.

The City Attorney stated the individual who presented the petition claimed the 60-days began to run on October 25, 2002 when he informed the City Manager's Office that he wanted this placed on the agenda for January 7, 2003. At that time, there was no petition or ordinance. He said that Ms. Oliphant had signed it on December 13, 2002 and was stamped in the City Manager's Office on December 16, 2002. It was then delivered to him and he began to review it, and stated that he would make sure it was in proper form. He would then give an opinion to the Commission, and the opinion would probably simply say it could be adopted, denied, or amended.

Mayor Naugle reiterated that the City Attorney would basically state what the Commission's options would be in regard to the matter. The City Attorney also stated that he would also explain what the consequences would be of the Commission's actions.

Commissioner Hutchinson asked if this was in reference to one parcel or all of them. The City Attorney explained that right now it identified Hardy Park by description. Another section stated that parcels could be added to it, and once one identified something as "The Common," one would have to vigorously defend against eminent domain by any governmental entity. He further explained that the Commission, once they received the ordinance, would have to decide if they wanted to defend this by an ordinance. He stated there would be some ramifications involved. He stated there could be a time when someone wanted to have some property condemned, and the City might want to do a property swap, and if this ordinance was adopted in its

present form, it would prevent that from happening.

**Action:** City Attorney's office to prepare ordinance.

Shirley Small - Assessment on Melrose Park Clubhouse.

Mayor Naugle asked if Commissioner Moore had received a phone call from Ms. Small regarding the assessment on the clubhouse. Commissioner Moore confirmed. Mayor Naugle asked if Edgewood had a clubhouse. Commissioner Hutchinson confirmed. Mayor Naugle remarked that it was not on the tax rolls. Commissioner Hutchinson stated that the City received nothing, except they had to meet a threshold of fund raising in order to pay the bills. She further stated that the property had a deed restriction placed on it. She explained that the owner of the property permitted Edgewood to build a clubhouse, and when it would cease to exist as a clubhouse or civic association, it would revert back to the owners, which was the Ware Family.

Mayor Naugle stated that when they did the annexation and all calculations had been done of costs, Melrose was surprised that their building was tax exempt, but they were billed for the fire assessment. He explained it was not a large bill, but symbolically it was a surprise for them.

Commissioner Hutchinson remarked that she was not sure if Edgewood paid that type of bill or not. Mayor Naugle remarked the bill was only for \$145 and was based on square footage and classification.

Commissioner Moore stated that this matter was of concern to him because all the facilities in the City were assessed. He felt if they were to entertain a method for this cost, they could be opening matters up for future problems.

Chief Otis Latin, Fire Department, stated that the assessment was charged to all buildings except to those exempted by the Commission, such as churches.

Mayor Naugle suggested that there were only two associations which had a clubhouse, and possibly they could say the association buildings would be categorized the same as a city recreation building. Commissioner Moore agreed and stated he would not have a problem with that.

The City Attorney stated the easiest thing to do and the most cost effective thing was to for the City to find the money to pay the one and not make exceptions for 2 or 3 or however many people would come back and state their buildings were used for the same purpose.

Commissioner Moore felt that they could come up with the money to pay this bill.

**Action:** City Attorney to prepare a recommendation to the Commission.

Broward Boulevard Road Project

Mayor Naugle stated that he had received a lot of complaints regarding the length of time being taken to complete the Broward Boulevard Project. He realized it was a County project and informed the citizens of that. He asked if the City Manager could review the County's timetable and possibly a request be made that the project be accelerated in some way.

Hector Castro, City Engineer, stated that in talking with Broward County Engineering, he had been informed that they had split the project into two phases. They were going to complete the portion east of I-95 which should be done by the end of January and turn it over to the City for maintenance. The section west of I-95, due to problems with the storm drains, would be completed by the fall of 2003.

The City Manager stated that he would attempt to obtain all the information possible regarding this project. Mr. Castro stated they had put in a formal request to be included in the walk-through final inspections for the

project.

**Action:** City Manager to obtain timetable for the project from the County.

#### Lobbyist Registration

Mayor Naugle stated that the Lobbyist Registration Ordinance had been in effect for about two years and people were still not registering. He felt they needed to be tougher regarding this matter. He suggested they begin to give out warnings and start assessing fines so people would be more aware.

Commissioner Hutchinson stated that when they were asked if they were registered, many people got very indignant.

The City Attorney stated that he would report back to the Commission and recommend some changes. He proceeded to give some examples of what lobbying entailed.

Mayor Naugle stated that appearing before the body of a board was also lobbying. The City Attorney stated that he did not think it was, but he would review the matter and make some recommendations.

**Action:** City Attorney to recommend changes for the lobbyist ordinance.

#### **V – City Manager Reports**

##### Federal Courthouse

The City Manager stated that he had received a letter dated December 10, 2002, from Tom Walker of the GSA and essentially he was acknowledging the Mayor's letter in which he offered the acreage at the One-Stop Shop as an inducement for them to build the Federal Courthouse project. He acknowledged

receipt of the letter, but proceeded to state that absent formal budgetary approval, they could not accept or act upon this offer at this point in time. They were expecting to have this on the fiscal year 2004 budget. He stated further that Congress was operating on a continuing resolution.

There being no further business to come before this Board, the meeting was adjourned at 5:09 p.m.

**Note: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the City clerk for a period of two years.**